

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: )  
STEVEN HIMMELMAN, ) Chapter 11  
Debtor. ) Case No. 24-00574  
Hon. Deborah L. Thorne

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## **NOTICE OF MOTION**

TO: ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE that on the 10<sup>th</sup> day of July, 2024 at 1:00 p.m. or as soon thereafter as counsel can be heard, I shall appear before the Honorable Deborah L. Thorne, Bankruptcy Judge, or before any other Judge who may be sitting in her place, either in courtroom 682 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and shall present the **Motion To Authorize Examination Of The Debtor And Third Parties Pursuant To Federal Rule Of Bankruptcy Procedure 2004 And Local Rule 9013-9(B)(5)**, a copy of which is attached hereto and herewith served upon you.

**Important: Only parties and their counsel may appear for presentation of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669 254-5252 or 1-646- 828-7666. Then enter the meeting ID and password.

**Meeting ID and passcode.** The meeting ID for this hearing is 160 9362 1728 and no passcode is required. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

/s/Brian P. Welch

**CREDITORS' COUNSEL:**

David K. Welch, Esq. (Atty. No. 06183621)  
Brian P. Welch, Esq. (Atty. No. 6307292)  
Burke, Warren, MacKay & Serritella, P.C.  
330 N. Wabash Ave., Suite 2100,  
Chicago, Illinois 60611

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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In re: )  
STEVEN HIMMELMAN, ) Chapter 11  
Debtor. ) Case No. 24-00574  
Hon. Deborah L. Thorne

**CERTIFICATE OF SERVICE**

[ ] an attorney, certify

-or-

I, an non-attorney, declare under penalty of perjury under the laws of the United States of America

that a copy of this **Notice of Motion** and attached **Motion** was served on the attached service list via the Court's Electronic Filing System (ECF), to all who are entitled to receive such notice, and that a copy of the **Notice of Motion** and attached **Motion**, was served to all parties on the attached service list, via U.S. Regular Mail, properly addressed, postage prepaid, on the 21<sup>st</sup> day of June 2024.

/s/Graciela Balderas

**SERVICE LIST**

**Via ECF:**

Office of the U.S. Trustee, Region 11  
219 S Dearborn St  
Room 873  
Chicago, IL 60604

*Via ECF*

Jon J Lieberman  
Sottile and Barile  
394 Wards Corner Road  
Loveland, OH 45140

*Via ECF*

Ariel Weissberg  
Weissberg and Associates, Ltd.  
125 South Wacker Drive  
Suite 300  
Chicago, IL 60606

*Via ECF*

**Via U.S. Mail:**

Steven Himmelman  
3735 N. Trip Avenue  
Chicago, IL 60641

*Via U.S. Mail*

Marc Samotny (agent of IAFT LLC, IAFT  
Gloves, LLC and Lone Ranger Masks, LLC  
200 S. WACKER DR., STE 2700  
CHICAGO, IL 60606

*Via U.S. Mail*

Marc Samotny (agent of IAFT LLC, IAFT  
Gloves, LLC and Lone Ranger Masks, LLC  
8150 LEHIGH AVE.  
MORTON GROVE, IL 60053

*Via U.S. Mail*

Patrick Clancy  
(agent of Tamarta Partners LLC)  
321 N CLARK ST STE 2200  
CHICAGO, IL 60654-4614

*Via U.S. Mail*

Tamarta Partners LLC  
Steve Himmelman  
2772 SHANNON ROAD  
NORTHBROOK, IL 60062

*Via U.S. Mail*

Tamarta Partners LLC  
Joe Fusco  
2772 Shannon Rd.  
Northbrook, IL 60062

*Via U.S. Mail*

Tamarta Partners LLC  
Steve Himmelman  
1000 East Van Buren St.  
Brownsville, TX 78520

*Via U.S. Mail*

Tamarta Partners LLC  
Joe Fusco  
1000 East Van Buren St.  
Brownsville, TX 78520

*Via U.S. Mail*

Jupiter Financial Services, Inc.  
Sean Coburn, President  
18 US Hwy 1, Suite 202  
TEQUESTA, FL 33469

*Via U.S. Mail*

Jupiter Financial Services, Inc.  
7533 S CENTER VIEW CTSTE R  
West Jordan, UT 84084

*Via U.S. Mail*

Jupiter Financial Services, Inc.  
Michael Coburn, Secretary  
7533 S CENTER VIEW CTSTE R  
West Jordan, UT 84084

*Via U.S. Mail*

Sean Coburn, President of Jupiter Financial Services LLC  
7533 S CENTER VIEW CTSTE R  
West Jordan, UT 84084  
*Via U.S. Mail*

Sean Coburn, President of Jupiter Financial Services LLC dba Jupiter Equipment Finance  
218 S US Highway 1, Ste 202  
Tequesta, FL 33469  
*Via U.S. Mail*

Tamarta Ventures LLC  
Steve Himmelman  
103 S Woodrow Lane Ste 3  
Denton, TX 76205-6309  
*Via U.S. Mail*

Tamarta Ventures LLC  
Joseph Fusco  
2772 Shannon Rd  
Northbrook, IL 60062 USA  
*Via U.S. Mail*

Black Dutch Mangement LLC  
103 South Woodrow, Suite C  
Denton, Texas 76205  
*Via U.S. Mail*

Martin V. Fleming, agent and managing director of Black Dutch Management LLC  
7675 Fallmeadow Lane  
Dallas, TX, 75248, USA  
*Via U.S. Mail*

The Corporate Trust Company  
(agent of Impero Group LLC)  
1209 ORANGE ST.  
WILMINGTON, DE, 19801  
*Via U.S. Mail*

Impero Group LLC  
Todd D. Rich (Manager)  
1500 N Halsted FL2  
Chicago, IL 60642  
*Via U.S. Mail*

Impero Investment Management LLC  
Robert Tamillo (Manager)  
1500 N Halsted, FL2  
Chicago, IL 60642  
*Via U.S. Mail*

Impero Capital Holdings LLC (DE corp)  
Corporation Service Company  
(Registered Agent)  
251 Little Falls Drive  
Wilmington, DE 19808  
*Via U.S. Mail*

Impero Capital Holdings LLC (FL corp)  
301 E. Pine Street, Ste 1400  
Orlando, FL 32801  
*Via U.S. Mail*

Impero Capital Holdings LLC (FL corp)  
Empire International Holdings, LLC  
333 N Sam Houston Pkwy E Ste 100,  
Houston, TX 77060  
*Via U.S. Mail*

Empire International Holdings, LLC  
108 WEST 13TH ST  
Wilmington, DE, 19801  
*Via U.S. Mail*

Impero Capital LLC  
Robert Tamillo (Agent/Manager)  
58 N Larrabee ST APT 821  
Chicago, IL 60654-6453  
*Via U.S. Mail*

Impero Capital Management LLC  
Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808  
*Via U.S. Mail*

Impero FL Apartments Fund LLC  
1500 N Halsted FL2  
Chicago, IL 60642  
*Via U.S. Mail*

Tucker Thoni  
301 E. Pine Street, Suite 1400  
Orlando, FL 32801  
*Via U.S. Mail*

Empire International Holdings, LLC  
(Delaware)  
108 WEST 13TH ST  
Wilmington, New Castle, DE, 19801  
*Via U.S. Mail*

Empire International Holdings, LLC (Texas)  
333 N Sam Houston Pkwy E Ste 100  
Houston, TX 77060  
*Via U.S. Mail*

Empire Holding International Limited,  
a UK company  
35 Firs Avenue, London, N11 3NE  
*Via U.S. Mail*

Empire International Trust, a Bermuda  
Company  
Maintained by Appleby Services (Bermuda)  
Canon's Court, 22 Victoria Street  
Hamilton HM 12 Bermuda  
*Via U.S. Mail*

Impero Construction LLC  
Joseph Procopio, President  
6902 W Creek Dr.  
Tampa, FL, 33615  
*Via U.S. Mail*

Mario Rusello  
Impero Construction, Inc.  
33024 US Hwy 19 North  
Palm Harbor FL 34684  
*Via U.S. Mail*

Joseph Procopio  
6902 W Creek Dr.  
Tampa, FL, 33615  
*Via U.S. Mail*

Robert Tamillo  
1500 N Halsted, FL2  
Chicago, IL 60642  
*Via U.S. Mail*

Todd D Rich LLC  
David W Silver  
423 N. Central Ave., Ste. 106  
Northfield, IL 60093  
*Via U.S. Mail*

Todd D. Rich LLC  
Todd Rich, Manager  
538 W. Armitage  
Chicago, IL 60614  
*Via U.S. Mail*

Todd D. Rich, LLC  
440 S, LaSalle St., Ste. 1600  
Chicago, IL 60605  
*Via U.S. Mail*

Shendell and Pollack  
2700 N. Military Tr., Ste. 150  
Boca Raton, FL 33431  
*Via U.S. Mail*

Ronald Thauer  
4800 A1A #302  
Vero Beach, FL 32963  
*Via U.S. Mail*

Robert Breit  
501 N. Clinton, Ste. 3303  
Chicago, IL 60654  
*Via U.S. Mail*

Randy Abeles  
7896 Palencia Way  
Delray Beach, FL 33446  
*Via U.S. Mail*

Kaplan & Gournis, PC  
180 N. LaSalle St., Ste. 2108  
Chicago, IL 60601  
*Via U.S. Mail*

Don Williams  
37329 Meridian Ave., Unit 104  
Dade City, FL 33525  
*Via U.S. Mail*

Sterilis Solutions, LLC  
351 W. Hubbard St, Ste 610  
Chicago, IL 60654  
*Via U.S. Mail*

Eleven Eleven Heritage LLC  
c/o Lorena Feldman  
19790 W. Dixie Hwy, Ste. 1111  
Miami Fl 33180  
*Via U.S. Mail*

Eleven Eleven Heritage LLC  
2719 Hollywood Blvd. #253  
Hollywood, FL 33020  
*Via U.S. Mail*

Eleven Eleven Heritage LLC  
20335 W. Country Club Dr.  
Aventura, FL 33180  
*Via U.S. Mail*

Viking USA LLC  
5700 Canoga Ave., Ste. 200  
Woodland Hills, CA 91367  
*Via U.S. Mail*

Todd D. Rich  
538 W. Armitage  
Chicago, IL 60614  
*Via U.S. Mail*

IAFT LLC (IL Corp)  
Steve Neal Himmelman, manager  
3735 N. Tripp  
Chicago, IL 60641  
*Via U.S. Mail*

IAFT HOLDINGS PTY, LTD,  
an Australia Company  
Ibrahim Ayache, Director,  
49 Beaconsfield Street, Bexley NSW 2207,  
New South Wales, Australia  
*Via U.S. Mail*

Michael Rosenstein,  
President First Chicago Insurance  
19667 Turnberry Way Apt 5A  
Miami, FL 33180  
*Via U.S. Mail*

Brett Rosenstein, Build Accounting  
1425 W Belmont Ave Apt 4  
Chicago, IL 60657  
*Via U.S. Mail*

Valore Investment Fund LLC  
440 S Lasalle St STE 3400  
Chicago, IL, 60605  
*Via U.S. Mail*

Valore Investment Fund LLC  
c/o Todd D. Rich, Manager  
538 W. Armitage  
Chicago, IL 60614  
*Via U.S. Mail*

Valore Fund, LP  
Interstate Agent Services, LLC  
501 Silverside Road Suite 102  
Wilmington, DE 19809  
*Via U.S. Mail*

Valore LLC  
Raheem Allen (Registered Agent)  
11441 S Wallace St  
Chicago, IL 60628  
*Via U.S. Mail*

Valore LLC  
CHEYENNE MOSELEY  
101 N Brand Blvd., 11th Floor,  
Glendale, CA 91203  
*Via U.S. Mail*

Valore Inc  
Kevin R Walker (President)  
268 Summer Street #502  
Boston, MA 02210  
*Via U.S. Mail*

Valore Inc  
Illinois Corporation Service C  
801 Adlai Stevenson Drive  
Springfield ,IL 62703-4261  
*Via U.S. Mail*

Valore Investor Fund VI, LP  
Northwest Registered Agent Service, Inc.  
8 The Green, STE B  
Dover, DE 19901  
*Via U.S. Mail*

Valore International LLC  
A Registered Agent, Inc.  
8 The Green, STE A  
Dover, DE 19901  
*Via U.S. Mail*

Valore Capital PTY, an Australian Corp  
14 Payten Street  
Putney NSW 2112  
*Via U.S. Mail*

Peter Allen Wright  
35 Crestmont Rd # 63  
Bedminster, NJ 07921  
*Via U.S. Mail*

Peter Allen Wright  
2699 Pine Ridge Way E Apt C2  
Palm Harbor, FL 34684  
*Via U.S. Mail*

Peter Anthony Wright  
43 Station Loop  
Bluffton, SC 2991  
*Via U.S. Mail*

Peter Anthony Wright  
257 Katherine Blvd #6305  
Palm Harbor, FL 34684  
*Via U.S. Mail*

JLS Medical Supply LLC  
Joseph Sanders, Member  
200 Pacific Coast Hwy  
Huntington Beach CA 92648  
*Via U.S. Mail*

Steven Dennis Himmelman, Sr.  
P.O. Box 3972  
Central Point, OR, 97502-0040  
*Via U.S. Mail*

Steven Dennis Himmelman, Sr.  
4848 Gebhard Road  
Central Point, OR, 97502  
*Via U.S. Mail*

Steve Himmelman Construction, Inc.  
c/o Steven Dennis Himmelman, Sr.  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
*Via U.S. Mail*

Steve Himmelman Construction, LLC  
c/o Steven Dennis Himmelman, Sr., member  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
*Via U.S. Mail*

ACME Concrete Pump, Inc.  
c/o Steven Dennis Himmelman, Sr.  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
*Via U.S. Mail*

Steve Himmelman Construction, Inc.  
c/o Steven Dennis Himmelman, Sr.  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Steve Himmelman Construction, LLC  
c/o Steven Dennis Himmelman, Sr., member  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

ACME Concrete Pump, Inc.  
c/o Steven Dennis Himmelman, Sr.  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Carolyn R. Himmelman, member of Steve Himmelman Construction Inc, Steve Himmelman Construction LLC and ACME Concrete Pump Inc  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Carolyn R. Himmelman  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Carolyn R. Himmelman  
4848 Gebhard Road  
Central Point, OR, 97502  
**Via U.S. Mail**

Steve Himmelman Construction, Inc.  
c/o Carolyn R. Himmelman  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Steve Himmelman Construction, LLC  
c/o Carolyn Himmelman  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

ACME Concrete Pump, Inc.  
c/o Carolyn Himmelman  
4848 Gebhard Road  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Steve Himmelman Construction, Inc.  
c/o Carolyn Himmelman  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

Steve Himmelman Construction, LLC  
c/o Carolyn Himmelman  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

ACME Concrete Pump, Inc.  
c/o Carolyn Himmelman  
P.O. Box 3972  
Central Point, OR, 97502-0040  
**Via U.S. Mail**

David A. Himmelman  
Individually and as Trustee of the David A Himmelman Trust  
384 Tomahawk Dr,  
Palm Desert, CA 92211  
**Via U.S. Mail**

David A. Himmelman  
Individually and as Trustee of the David A Himmelman Trust  
11460 Fairfield Rd W  
Hopkins, MN 55305  
**Via U.S. Mail**

The David Himmelman Family Trust,  
registered in Delaware  
C/O David Himmelman  
384 Tomahawk Dr.  
Palm Desert, CA 92211  
*Via U.S. Mail*

The David Himmelman Family Trust,  
registered in Delaware  
Wilmington Trust Company  
Rodney Square North  
1100 N. Market Street,  
Wilmington, New Castle, DE 19890  
*Via U.S. Mail*

Richard Paniagua  
11440 W. 79th  
Burr Ridge, IL 60525  
*Via U.S. Mail*

Richard Paniagua  
3105 N Lincoln Ave,  
Chicago, IL 60657  
*Via U.S. Mail*

Stephen W. Himmelman  
114 Beachstone Drive  
Halifax, NS B3R 0B2 Nova Scotia  
*Via U.S. Mail*

Leslie Hall-Sheedy  
16414 Abbey Dr,  
Bowie, MD 20715  
*Via U.S. Mail*

Jason Himmelman  
132 Mountain View Trail,  
Breckenridge, CO 80424  
*Via U.S. Mail*

Meredith Austin Himmelman  
aka Meredith Holt  
132 Mountain View Trail  
Breckenridge, CO 80424  
*Via U.S. Mail*

Zachary Himmelman  
1760 Airport Rd Unit F  
Breckenridge, CO, 80424  
*Via U.S. Mail*

Zachary Himmelman  
63 Bridge Street,  
Breckenridge, CO, 80424  
*Via U.S. Mail*

Zachary Himmelman  
229 S. Main St.  
Breckenridge, CO 80209  
*Via U.S. Mail*

Taryn E. Power  
208 E. Lincoln Ave.  
Breckenridge, CO 80424  
*Via U.S. Mail*

Chad Hanley  
100 N Main Street # 103  
Breckenridge, CO 80424  
*Via U.S. Mail*

Rita Himmelman  
183 Locals Lane  
Breckenridge, CO 80424  
*Via U.S. Mail*

Hollie Himmelman  
806 N. Peoria, Ste # 100  
Chicago, IL 60642  
*Via U.S. Mail*

Hollie Himmelman  
3735 N. Tripp  
Chicago, IL 60641  
*Via U.S. Mail*

Vector International Trading LLC  
c/o Robson R. Rezende, managing  
member/agent  
2020 Ponce De Leon Suite 1007  
Coral Gables, FL 33134-4476  
*Via U.S. Mail*

Vector International Trading LLC  
c/o Robson R. Rezende, managing  
member/agent  
11700 NW 36 PL  
Sunrise, FL 33351  
**Via U.S. Mail**

Eugene F. O'Malley  
PO Box 51792  
Boston, MA 02205  
**Via U.S. Mail**

Robson R. Rezende  
2020 Ponce De Leon Suite 1007  
Coral Gables, FL 33134-4476  
**Via U.S. Mail**

Scott David Cook (owner of Fox Hollow  
Ventures LLC, a CA corporation)  
175 Fox Hollow Rd,  
Woodside, CA 94062  
**Via U.S. Mail**

Scott David Cook (owner of Fox Hollow  
Ventures LLC, a CA corporation)  
386 Mountain Home Rd,  
Woodside, CA 94062  
**Via U.S. Mail**

Fox Hollow Capital Group LLC  
Dean Mavrides  
18 Roy Place  
Ramsey, NJ 07446  
**Via U.S. Mail**

Ronald R. Zimmer (Agent/Manager Fox  
Hollow Investments LLC)  
5469 Bates Street  
Seminole, FL, 33772  
**Via U.S. Mail**

Ronald R. Zimmer (Agent/Manager Fox  
Hollow Investments LLC)  
4207 S Dale Mabry Hwy, Apt. 1103  
Tampa FL 33611  
**Via U.S. Mail**

Ronald R. Zimmer (Agent/Manager Fox  
Hollow Investments LLC)  
7719 91st Street  
Seminole FL 33777  
**Via U.S. Mail**

Lane D. Zimmer (manager of Fox Hollow  
Investments LLC)  
5469 Bates Street,  
Seminole, FL, 33772  
**Via U.S. Mail**

Lane D. Zimmer  
(manager of Fox Hollow Investments LLC)  
10201 Barry Dr  
Largo, FL 33774  
**Via U.S. Mail**

Lane D. Zimmer (manager of Fox Hollow  
Investments LLC)  
4207 S Dale Mabry Hwy, APT 1103  
Tampa FL 33611  
**Via U.S. Mail**

Fox Hollow Holdings Limited,  
Mossack Fonseca, (Agent And Shareholder)  
24 De Castro Street  
Akara Building  
Wickhams Cay 1  
Road Town; Tortola; British Virgin Islands  
**Via U.S. Mail**

Fox Hollow Holdings Limited,  
1st Floor, Viking House, St Paul's Square  
Ramsey IM8 1GB  
Isle of Man  
**Via U.S. Mail**

Henry Vargas  
542 Euclid Ave Apt 15,  
Miami Beach, 33139 Florida  
*Via U.S. Mail*

Val Laguatan  
187 E. Warm Springs Rd.  
Suite B422  
Las Vegas, Nv, 89119  
*Via U.S. Mail*

Val Laguatan  
165 Matisse Cir Aliso  
Viejo Ca 92656  
*Via U.S. Mail*

Freddy Vaca  
1545 North Buckner Boulevard  
Dallas, TX, 75218, USA  
*Via U.S. Mail*

Freddy Vaca  
1012 Bending Oak Drive  
Cedar Hill, TX 75104  
*Via U.S. Mail*

Freddy Vaca  
14665 Midway Rd.  
Addison, Texas 75001  
*Via U.S. Mail*

Nina Vaca  
5501 Lyndon B Johnson Freeway Suite 600  
Dallas, Tx, 75240  
*Via U.S. Mail*

Nina Vaca  
8508 San Fernando Way  
Dallas, TX 75218  
*Via U.S. Mail*

Steve Mihaljevic  
6348 N Milwaukee Ave, Suite 341  
Chicago, IL 60646  
*Via U.S. Mail*

Deanna Roth  
7500 College Blvd., Suite 150  
Overland Park KS 66210  
*Via U.S. Mail*

Deanna Roth, CAP  
4925 Stone Falls Center, Suite A  
O'Fallon, IL 62269  
*Via U.S. Mail*

FGR Partners One, Inc.  
c/o Peter Del Mastro  
1000 East Van Buren Street  
Brownsville, Texas 78520  
*Via U.S. Mail*

Peter Del Mastro  
1000 East Van Buren Street  
Brownsville, Texas 78520  
*Via U.S. Mail*

Lane D. Zimmer (manager of Fox Hollow  
Investments LLC)  
4501 Gulfwinds Drive  
Lutz FL 33558  
*Via U.S. Mail*

FGR Partners One, Inc (Texas Corp)  
P.O. BOX 132  
Weldon, IL 61882-0132  
*Via U.S. Mail*

Franklin Global Finance Limited,  
Mossack Fonseca, (Agent)  
Mossfon Building Calle 54 Este  
Panama City, Panama  
*Via U.S. Mail*

Franklin Global Finance Limited,  
Jürgen Mossack  
Mossfon Building Calle 54 Este  
Panama City, Panama  
*Via U.S. Mail*

Viktoras Kaunas,  
(President, Viking Trans LLC)  
Viking Trans LLC  
9S110 S Frontage Rd., Apt 104  
Willowbrook, IL 60527

*Via U.S. Mail*

DC3 Global LLC, Ste r  
Daniel Catullo (Manager)  
5150 Teesdale Ave  
Valley Village, CA 91607

*Via U.S. Mail*

DC3 Global LLC,  
Peter Bowons (Manager)  
24012 Chestnut Way,  
Calabasas, CA 91302

*Via U.S. Mail*

EchoTrade  
Corporation Service Company  
(Registered Agent)  
8825 N 23rd Avenue, Suite 100  
Phoenix, AZ, 85021

*Via U.S. Mail*

EchoTrade  
251 Little Falls Drive, Wilmington,  
New Castle, DE, 19808

*Via U.S. Mail*

EchoTrade  
8825 N 23rd Avenue, Suite 100  
Phoenix, AZ 85021

*Via U.S. Mail*

Ocwen Loan Services LLC  
251 Little Falls Drive, Wilmington,  
New Castle, DE, 19808

*Via U.S. Mail*

Ocwen Loan Servicing, LLC  
18306 Bubbling Spring Ter,  
Boyds, MD, 20841

*Via U.S. Mail*

PHH Mortgage Services  
PO Box 24738  
West Palm Beach, FL 33416

*Via U.S. Mail*

William Kindoff, III - agent for both in W&H  
Trading Consultants LLC and H&W Trading  
Consultants LLC  
440 S Lasalle Ste 1569  
Chicago, IL, 60605

*Via U.S. Mail*

Bruce Wisner (manager of H&W Trading  
Consultants LLC and W&H Trading  
Consultants LLC with Steve N. Himmelman)  
724 N West St.  
Wheaton, IL 60187

*Via U.S. Mail*

Bruce Wisner (manager of H&W Trading  
Consultants LLC and W&H Trading  
Consultants LLC with Steve N. Himmelman)  
440 S Lasalle Ste 1569  
Chicago, IL, 60605

*Via U.S. Mail*

Robert B. Kingsly  
(agent for HK Capital LLC)  
440 S Lasalle, Ste #3428,  
Chicago, IL 60605

*Via U.S. Mail*

Robert B. Kingsly  
(agent for HK Capital LLC)  
400 E Randolph Suite 3428  
Chicago, IL 60601

*Via U.S. Mail*

Ronald Himmelman  
466 Madison Avenue,  
Glencoe, IL 60022-1857

*Via U.S. Mail*

Richard Himmelman  
466 Madison Avenue,  
Glencoe, IL 60022-1857  
*Via U.S. Mail*

Development in Motion Company, Inc.  
151 North Nob Hill Road, Suite 381  
Plantation, FL 33324  
*Via U.S. Mail*

Wells Fargo Bank, National Association  
c/o PHH Mortgage Corporation  
Attn: Bankruptcy Department  
PO Box 24605  
West Palm Beach, FL 33416-4605  
*Via U.S. Mail*

Tzvi Himmelman  
Zerach Barnett 12  
Apt. 15 (Fifth Floor)  
Jerusalem, Israel  
*Via U.S. Mail*

Burling Bank  
The Board of Trade Building  
141 W. Jackson Blvd.  
Chicago, IL 60604  
*Via U.S. Mail*

Connexion Partners LLC  
2772 Shannon Rd.  
Northbrook, IL 60062  
*Via U.S. Mail*

Gordon Carter  
1605 N. 23<sup>rd</sup> St.  
Tampa, FL 33605  
*Via U.S. Mail*

Franklin Global Finance Limited  
Attn: Jurgen Mossack  
c/o Mossack Fonseca, (Agent)  
Mossfon Building  
Calle 54 Este,  
Panama City, Panama  
*Via U.S. Mail*

Blue Diamond Trading LLC  
440 S. LaSalle St., Suite 3100  
Chicago, IL 60605  
*Via U.S. Mail*

Black Dutch Standard Trading Inc.  
#3 Cable Beach Court  
West Bay Street, New Providence,  
New Providence, NASSAU,  
PO Box: AP-59223 SLOT 368, Bahamas  
*Via U.S. Mail*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: )  
STEVEN HIMMELMAN, ) Chapter 11  
Debtor. ) Case No. 24-00574  
Hon. Deborah L. Thorne

**MOTION TO AUTHORIZE EXAMINATION OF THE DEBTOR  
AND THIRD PARTIES PURSUANT TO FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004 AND LOCAL RULE 9013-9(B)(5)**

Canobinoti, LLC and David Ocomo (the “Claimants”), hereby request that this Court enter an order, pursuant to Fed. R. Bankr. P. 2004 and Local Rule 9013-9(B)(5), authorizing the Claimants to serve subpoenas on the Debtor and various third parties to obtain documents relating to the acts, conduct, property, liabilities and financial affairs of the debtor, STEVEN HIMMELMAN (the “Debtor”). In support of this Motion, the Claimants respectfully state as follows:

## **Jurisdiction and Venue**

1. By this Motion, Claimants seek authority from this Court, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, to issue Subpoenas for Rule 2004 Examination of various 2004 Parties (as that term is defined below) to obtain documents and, if necessary, conduct depositions relating to the acts, conduct, property, liabilities and financial affairs of the Debtor.
2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
4. The statutory predicate for the relief requested herein is Rule 2004 of the Federal Rules of Bankruptcy Procedure.

### **Introduction and Background**

5. On January 20, 2022, the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida (the “Florida Court”) entered a Final Judgment (the “Judgment”) in Case No. CACE20220968 (the “Florida Case”) in the amount of \$24,353,207.78 (the “Judgment Amount”) against a number of defendants, including the Debtor, jointly and severally, and in favor of the Claimants. The Judgment accrues post-judgment interest at the rate of 4.25% per year and subject to adjustment pursuant to Fla. Stat. § 55.30.

6. As of January 16, 2024 (the “Petition Date”), interest had accrued on the Judgment Amount in the amount of \$2,055,844.42, for a total claim in the amount of \$26,409,052.20 (the “Claim”).

7. The Claim is secured by all of the Debtors’ real and personal property. *See* [Claim No. 2-1].

8. On the Petition Date, the Debtor filed a voluntary petition under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), commencing the above-captioned bankruptcy case (the “Bankruptcy Case”).

9. In the Debtor’s Schedules and Statement of Financial Affairs, the

### **Relief Requested**

10. By this Motion, the Claimants seek to authority, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, to issue Subpoenas to the parties listed below seeking the information contained in the Rider in a form similar to the Rider attached to this Motion as **Exhibit A**:

- The Debtor;
- David Himmelman
- Hollie Himmelman
- Jason Himmelman

- Rita Himmelman
- Tzvi Himmelman
- Development in Motion Company, Inc.
- IAFT LLC
- IAFT Gloves, LLC
- Marc Samotny
- Lone Ranger Masks, LLC
- Tamarta Partners LLC, Illinois
- Tamarta Partners, LLC, Texas
- Patrick Clancy
- Joseph Fusco
- Tamarta Ventures LLC
- Impero Group LLC
- The Corporate Trust Company
- Jupiter Financial LLC
- Jupiter Financial Services Inc., Florida
- Jupiter Financial Services, Inc., Utah
- Sean Coburn
- Connexion Partners LLC
- Brett Rosenstein
- Michael Rosenstein
- Valore Investment Fund LLC
- Valore Fund, LP
- Valore LLC
- Valore Inc.
- Valore Investor Fund VI, LP
- Valore International LLC
- Valore Capital PTY, Australia
- Peter Allen Wright
- Peter Anthony Wright
- Impero Construction LLC
- Impero Managers LLC
- Impero Investment Management LLC
- Impero Capital Holdings LLC, Florida
- Impero Capital Holdings LLC, Delaware
- Impero Capital LLC
- Impero Capital Management LLC
- Impero FL Apartments Fund LLC
- Impero Partners LLC
- Tucker Thoni
- Empire International Holdings LLC, Texas Corp
- Empire International Holdings LLC, Delaware Corp
- Empire Holding International Limited, UK company
- Empire International Trust, a Bermuda Company

- Joseph Procopio
- Mario Rusello
- Gordon Carter
- Robert Tamillo
- Michael Rosenstein
- Brett Rosenstein
- IAFT Holdings PTY, Ltd., Australia
- JLS Medical Supply LLC
- Steve Himmelman Construction LLC
- Steve Himmelman Construction Inc.
- ACME Concrete Pump Inc.
- The David Himmelman Family Trust, Delaware
- The Himmelman Family Trust, Australia
- Richard Paniagua
- Stephen W. Himmelman
- Leslie Hall-Sheedy
- Meredith Austin Himmelman a/k/a Meredith Holt
- Zachary Himmelman
- Taryn E. Power
- Chad Hanley
- Vector International Trading LLC
- Robson R. Rezende
- Eugene F. O'Malley
- Vector International Trading LLC
- Fox Hollow Ventures LLC
- Fox Hollow Capital Group LLC
- Fox Hollow Investments LLC
- Fox Hollow Holdings Limited, British Virgin Islands
- Henry Vargas
- Val Laguatan
- Freddy Vaca
- Nina Vaca
- Todd D Rich LLC
- Todd D. Rich
- Black Dutch Management LLC
- Martin V. Fleming
- Steve Mihaljevic
- Deanna Roth
- Franklin Global Finance Limited, New Jersey
- Peter Del Mastro
- Viking Trans LLC
- Viktoras Kaunas
- DC3 Global LLC
- H&W Trading Consultants LLC

- W&H Trading Consultants LLC
- William Kindoff, III
- Bruce Wisner
- Robert B. Kingsly
- Blue Diamond Trading LLC
- HK Capital LLC
- Echotrade LLC
- Black Dutch Standard Trading Inc., Bahamas
- Shendell and Pollack
- Ron Thauer
- Robert Breit
- Randy Abeles
- Kaplan & Gournis, PC
- Don Williams
- Sterilis Solutions LLC
- Eleven Eleven Heritage LLC
- FGR Partners One, Inc.
- Viking USA LLC
- Ocwen Loan Services LLC
- PHH Mortgage Services
- HK Capital LLC
- Ronald Himmelman
- Richard Himmelman
- Wells Fargo
- Burling Bank

(hereinafter referred to collectively as the “2004 Parties”).

11. The 2004 Parties consist of the Debtor, the Debtor’s family members, companies in which the Debtor is or was an owner, member, manager, officer, director or employee, and/or parties who are either known or believed to be business affiliates of the Debtor.

12. Additionally, the Claimants seek authority from this Court to compel the attendance of the 2004 Parties (or their representative) at a deposition pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure.

13. Pursuant to Fed. R. Bankr. P. 2004(a), the Bankruptcy Court may order the examination of any entity on the motion of a party in interest:

The scope of such an examination is quite broad, relating to just about anything that deals with the debtor's actions, assets, liabilities or financial affairs, its right to a discharge, or any other matter affecting the administration of the bankruptcy estate. Fed. R. Bankr. P. 2004(b). It can be as simple as where are the keys to the filing cabinet or as complex as what happened to the money? It may also be used to examine "creditors and third parties who have had dealings with the debtor." *Matter of Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill. 1985).

*In re Sheetz*, 452 B.R. 746, 747-48 (Bankr. N.D. Ind. 2011).

14. In addition to ordering attendance for an examination, the Court may also compel a party to produce any documents that might relate to the Debtor's financial affairs. Fed. R. Bankr. P. 2004(c).

15. Local Rule 9013-9(B)(5) provides that a motion for authority to conduct an examination pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure "will ordinarily be granted without a hearing in the absence of an objection."

16. Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, the Claimants seek authority to issue subpoenas to the Rule 2004 Parties to obtain documents and, if necessary, compel attendance for examination relating to the acts, conduct, property and financial affairs of the Debtor.

17. The request for authority to serve 2004 Subpoenas on the 2004 Parties shall not prejudice Claimants from seeking additional authority under Rule 2004 of the Federal Rules of Bankruptcy Procedure to issue further Subpoenas should additional Subpoenas be warranted based upon information received by Claimants during the course of its investigation.

WHEREFORE, Canobinoti, LLC and David Ocomo respectfully request that this Court enter an Order: (i) authorizing the Claimants to issue subpoenas to the Rule 2004 Parties to obtain documents and compel attendance for an examination relating to the acts, conduct, property, and

financial affairs of the Debtor; and (ii) granting such other and further relief as this Court deems proper under the circumstances.

Respectfully Submitted,

CANOBINOTI, LLC and DAVID OCOMO,  
*Creditors*

By: /s/ Brian P. Welch.  
One of their attorneys

**CREDITORS' COUNSEL:**

David K. Welch, Esq. (Atty. No. 06183621)  
Brian P. Welch, Esq. (Atty. No. 06307292)  
Burke, Warren, MacKay & Serritella, P.C.  
330 North Wabash Avenue, Suite 2100  
Chicago, Illinois 60611  
(312) 840-7000  
(312) 840-7900 (Fax)